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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,639	09/20/2005	Hubert Cecile Francois Martens	NL 030329	8062

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EXAMINER	
SASINOWSKI, ANDREW	

ART UNIT	PAPER NUMBER
4163	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,639	MARTENS ET AL.	
	Examiner	Art Unit	
	ANDREW J. SASINOWSKI	4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/31/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: The phrase "the second control information is recorded in the lead-in part second control information is recorded in the lead-in part" appears to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 through 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon et. al. [2003/0002420] in view of Yoshinari et. al. [6,540,397].

4. Regarding claim 1, Yoon teaches a record carrier of a writable type [0014] for recording information by writing marks in a track on a recording layer via a beam of radiation [0014] entering through an entrance face of the record carrier [as shown in Yoon prior art fig. 2], the marks being detectable during scanning the track via the beam [fig. 5], the record carrier comprising at least a first recording layer [0014] and a second recording layer [0014], the first recording layer being present at a position closer to the entrance face than the second recording layer [fig.2, L0, note that one recording layer will inherently be closer to the entrance face than the other], each recording layer

comprising a pregroove indicating the position of the track, the pregroove exhibiting a wobble constituted by displacements of the pregroove in a direction transverse to the longitudinal direction of the track [fig. 5], the wobble exhibiting a wobble modulation for representing control information [0045], and the pregroove on the first recording layer extending spirally in a first direction and the pregroove on the second recording layer extending spirally in a second direction opposite to the first direction [0014] for constituting a multi-part recording area [0014] interrupted by an intermediate zone that physically is constituted by a first intermediate part [0014] located at the end of the first recording layer and a second intermediate part [0014] located at the start of the second recording layer, the recording area being preceded by lead-in information [fig. 5, #100] located at the start of the first recording layer and being followed by an ending part for lead- out information or further intermediate information located at the end of the second recording layer [0016], a lead-in part of the pregroove located at a part of the first recording layer comprising said wobble modulation representing first control information [0034, #100] including recording parameters for the first recording layer [0006, note that this element is given by Yoon as inherent prior art], and the ending part comprising said wobble modulation [0016] representing second control information including recording parameters for the second recording layer [0024].

5. Note that the statement "...a lead-in part of the pregroove located at a part of the first recording layer intended for recording the lead-in information..." is a statement of intended use and therefore has not been given patentable weight.

6. Yoon does not teach a record carrier with a transparent spacer layer between recording layers.

7. Yoshinari teaches a record carrier with a transparent spacer layer between recording layers [col. 2, lines 19-22].

8. It would have been obvious at the time of invention to one with ordinary skill in the art to combine the transparent spacer layer taught by Yoshinari with the optical disk taught by Yoon because a spacer layer in an optical disk are used as a buffer between recording layers to prevent crosstalk, or also as an element to provide additional physical integrity to an optical disk.

9. Regarding claim 2, Yoon in view of Yoshinari teach the record carrier as claimed in claim 1.

10. Furthermore, Yoon teaches a record carrier wherein the lead-in part [fig. 2, L0, #10] of the pregroove is extending on the first recording layer from a starting radial position [fig. 2, L0, #10] to an ending radial position [fig. 2, L0, #10], and the ending part of the pregroove that comprises the second control information is substantially located between a radial position corresponding to said ending radial position and a radial position corresponding to said starting radial position [fig. 2, L1, #10 and section 0008].

11. Regarding claim 3, Yoon in view of Yoshinari teach the record carrier as claimed in claim 2.

12. Furthermore, Yoon teaches a record carrier wherein said ending radial position on the first recording layer substantially corresponds to a radial position on the second

recording layer [fig. 2, L1 and L0, #10, and section 0008] where the wobble modulation representing the second control information starts [0016 & 0024].

13. Claims 4 through 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon in view of Yoshinari as applied to claim 1 above, and further in view of Ueki [6,404,713].

14. The record carrier limitation of claim 4 is already reflected in the claim 1 rejection made by Yoon in view of Yoshinari.

15. Yoon in view of Yoshinari do not teach a device for scanning a track on a record carrier, the device comprising a head for providing the beam, recording means for writing marks in the track via the beam, a front-end unit for generating a scanning signal for detecting marks in the track, and wobble detection means for retrieving the first control information from the wobble modulation on the first recording layer and for locating the ending part and retrieving the second control information from the wobble modulation on the second recording layer.

16. Ueki teaches a device for scanning a track on a record carrier [abstract] via a beam of radiation [abstract], the device comprising a head for providing the beam [abstract, fig. 9, #24], recording means for writing marks in the track via the beam [abstract], a front-end unit for generating a scanning signal for detecting marks in the track [col. 15, lines 12-37], and wobble detection means for retrieving the first control information from the wobble modulation on the first recording layer and for locating the ending part and retrieving the second control information from the wobble modulation on the second recording layer [fig. 11 #72, and col. 35, lines 34-39].

17. Furthermore regarding claim 6, Ueki teaches device as claimed in claim 4, wherein the device comprises a control unit [fig. 9, #14] for performing an initialize procedure after inserting the record carrier [abstract], in which procedure the first control information is recorded in the lead-in part and the second control information layer is recorded in the ending part [col. 36, lines 63 to col. 37, line 14, and col. 38, lines 9-16].

18. It would have been obvious at the time of invention to one of ordinary skill in the art to combine the device taught by Ueki with the record carrier taught by Yoon in view of Yoshinari because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art, namely data being written and detected by a optical disk reading/writing device.

19. Regarding claims 5, 7 and 8, Yoon in view of Yoshinari and Ueki do not disclose the alternative locations/arrangements for the first and second control info as claimed. However, the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art, namely control information being or not being accessible in a given layer. Accordingly, the claimed alternative locations/arrangements for the first and second control info would have been obvious at the time of invention.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito et. al. [US 7,184,377] teaches a multi-layer information recording medium with a plurality of layers, where adjacent recording layer tracks travel in opposite directions, and each layer contains a lead-in or lead-out region for storing, among other information, first and second control information. Sasaki et. al. [US 7,385,892] teaches a DVD-R that contains control information and a procedure wherein recording parameter information is recorded in advance of any other data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW J. SASINOWSKI whose telephone number is (571)270-5883. The examiner can normally be reached on Monday to Friday, 7:30 to 5:00, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on (571)272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJS

/Mark A. Robinson/
Supervisory Patent Examiner, Art Unit 4163